

# EXHIBIT P


**Bert Bell/Pete Rozelle NFL Player Retirement Plan**

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**NFL PLAYERS**  
ASSOCIATION

REGISTERED/RETURN RECEIPT

February 24, 2014

Mr. Eric Smith  
1 Deerfield Road  
Whippany, NJ 07981

**Certified Article Number**

7196 9008 9111 8863 9121

**SENDERS RECORD**

**Certified Article Number**

7196 9008 9111 8863 9138

**SENDERS RECORD**

**Re: Appeal for Line-of-Duty Disability Benefits**

Dear Mr. Smith:

At its February 17, 2014 meeting, the Retirement Board of the Bert Bell/Pete Rozelle NFL Player Retirement Plan ("Plan") considered your appeal from the earlier denial of your application for line-of-duty disability ("LOD") benefits. We regret to inform you that the Retirement Board affirmed the earlier denial of LOD benefits by the Plan's Disability Initial Claims Committee ("Committee") and denied your appeal. This letter describes the Retirement Board's decision.

**Relevant Plan Provisions**

Plan section 6.1 states, in relevant part, that an eligible Player who incurs a "substantial disablement" may qualify for LOD benefits. A "substantial disablement" includes a "permanent" disability that, using the American Medical Association *Guides to the Evaluation of Permanent Impairment* (Fifth Edition, Chicago IL) ("AMA Guides"), is (a) a 38% or greater loss of use of the entire lower extremity; (b) a 23% or greater loss of use of the entire upper extremity; (c) an impairment to the cervical or thoracic spine that results in a 25% or greater whole body impairment; (d) an impairment to the lumbar spine that results in a 20% or greater whole body impairment; or (e) any combination of lower extremity, upper extremity, and spine impairments that results in a 25% or greater whole body impairment. In accordance with the AMA Guides, up to three percentage points may be added for excess pain in each category above ((a) through (e)). Plan § 6.4.

**Discussion**

On October 25, 2013, the Committee denied your application for LOD benefits because it determined that you do not have a "substantial disablement" within the meaning of the Plan. The Committee based its decision on Plan neutral physician Orrin Sherman's report, which rated your upper extremity impairment at 17%, lower extremity impairment at 10%, cervical spine impairment at 5%, lumbar spine impairment at 5%, and combined whole person impairment at 22% (plus 1% for pain).

By letter dated November 1, 2013, your attorney, William Conaty, appealed to the Retirement Board. On appeal you were examined by Plan neutral physician Terry Thompson. After examining you, Dr. Thompson rated your upper extremity impairment at 4%, lower extremity impairment at 30%, cervical spine impairment at 5%, and combined whole person impairment at 18% (plus 3% for pain).

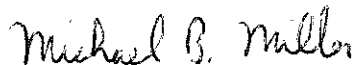
At its February 17, 2014 meeting, the Retirement Board reviewed all of the medical evidence in your file. The Retirement Board determined that the impairment ratings of Drs. Thompson and Sherman are consistent insofar as neither meets the Plan's standards for a substantial disablement. As a result, the Retirement Board concluded that you do not have a "substantial disablement" within the meaning of the Plan, and it denied your appeal.

### **Appeal Rights**

You should regard this letter as a final decision on review within the meaning of Section 503 of the Employee Retirement Income Security Act of 1974, as amended, and the regulations issued thereunder by the Department of Labor. You are entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to your claim for benefits. You have the right to bring an action under Section 502(a) of the Employee Retirement Income Security Act of 1974, as amended. More information is included in the enclosed Summary Plan Description.

If you have any questions, please contact the Plan Office.

Very truly yours,



Michael B. Miller  
Plan Director  
on behalf of the Retirement Board

MBM:prs

cc: William B. Conaty

Enclosure